

RESOLUTION OF THE BOSTON REDEVELOPMENT AUTHORITY WITH RESPECT TO
THE ACQUISITION OF REAL PROPERTY

WHEREAS, the Boston Redevelopment Authority, a public body politic and corporate, duly organized and existing pursuant to Chapter 121 of the General Laws of the Commonwealth of Massachusetts, hereinafter referred to as the "Authority", entered into contracts with the Department of Housing and Urban Development, and

WHEREAS, pursuant to such contracts with the Authority is undertaking necessary activities for the acquisition of real property, and

WHEREAS, regulations promulgated by the Department of Housing and Urban Development require the Authority to adopt a policy statement setting forth the procedures of the Authority with respect to the acquisition of real property:

NOW, THEREFORE, BE IT RESOLVED BY THE BOSTON REDEVELOPMENT AUTHORITY:

THAT the following Real Property Acquisition Statement is hereby adopted:

The Boston Redevelopment Authority hereby agrees to comply with the real property acquisition requirements of Title III of the Act of 1970, Public Law 91-646, 91st Congress, S.1 84 Stat 1894, approved January 2, 1971, including the following:

- a. In acquiring real property, the Agency will be guided to the greatest extent practicable under State law, by the real property acquisition policies set out under Section 301 of the Act and the provisions of Section 302 thereof;
- b. Property owners will be paid or reimbursed for necessary expenses as specified in Sections 303 and 304 of the Act.
- c. Affected persons will be adequately informed of the benefits, policies, and procedures provided for under HUD regulations.

EXECUTIVE SESSION

22

April 5, 1973 TABLED

MEMORANDUM

April 19, 1973 RESUBMITTED

TO: BOSTON REDEVELOPMENT AUTHORITY

FROM: ROBERT T. KENNEY, DIRECTOR

SUBJECT: BOSTON REDEVELOPMENT AUTHORITY STATEMENT OF POLICY
RELATIVE TO THE ACQUISITION OF REAL PROPERTY

The Department of Housing and Urban Development has issued a new Handbook of regulations and procedures relating to the acquisition of real property. The regulations are effective on January 1, 1973.

One of the requirements set forth in the Handbook is that the local public agency submit to H.U.D. an assurance of compliance with real property acquisition requirements of Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 91st Congress, S.l 84 Stat 1894, approved January 2, 1971, including the following:

- a. In acquiring real property, the Agency will be guided to the greatest extent practicable under State law, by the real property acquisition policies set out under Section 301 of the Act and the provisions of Section 302 thereof.
- b. Property owners will be paid or reimbursed for necessary expenses as specified in Sections 303 and 304 of the Act.
- c. Affected persons will be adequately informed of the benefits, policies, and procedures provided for under HUD regulations.

It is requested that the Authority adopt the following resolution to comply with H.U.D. requirements.

EXECUTIVE SESSION

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MEMORANDUM

Tabled: April 5, 1973

Resubmitted: April 19, 1973

TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT T. KENNEY, DIRECTOR
SUBJECT: REAL PROPERTY ACQUISITION

The Authority recently received the new H.U.D. Acquisition Handbook which establishes uniform policies and requirements applicable to the acquisition of real property in Urban Renewal and other federally assisted programs.

A major change in the new procedures places responsibility upon the Authority for establishing just compensation (fair market value) for every property acquired by the Agency. Under the original acquisition procedures, the Authority originated price recommendations to H.U.D. and could not acquire properties until H.U.D. concurred in the price.

More recently, the Proclaimer Procedure was authorized which enabled Local Public Agencies to establish prices for certain properties without H.U.D. approval under certain conditions prescribed in the Urban Renewal Handbook. The Authority was unable to comply with the Proclaimer requirements and consequently has not utilized the Proclaimer Procedure to date.

Under the new procedures, the properties are to be appraised by independent fee appraisers, reviewed by staff appraisers and after review, the fair market value determined by the Real Estate Director and concurred in by the General Counsel.

The Authority is authorized to adopt a general resolution designating the Director to make a certification which, among other things:

1. establishes just compensation (fair market value) for each property;
2. identifies each property by name of owner, parcel number or other identification;

3. delimits the property and the interest to be acquired therein;
4. certifies that the work of the appraisers and the review appraiser with respect to each property has been performed in a competent manner in accordance with applicable State law, the Act and Housing and Urban Development policies and requirements.

In the event that the value as determined above is not acceptable, the Agency shall submit to H.U.D., for determination of the acquisition price, all appraisal reports on such property, the report of the review appraiser, a statement of the determination of fair market value proposed by the Agency and its justification therefor.

Immediately after the Agency establishes the fair market value for any parcel to be acquired, the Agency is required to submit to H.U.D., on a confidential basis, the following:

1. Certified copy of the resolution (or appropriate certification if copy of general resolution is filed with H.U.D.) establishing just compensation.
2. A list of all appraisal report values and the applicable dates therefor.

In order to implement the new regulations, it is requested that the Authority adopt the following resolution.

